

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY (CONTINUED) — FRIDAY, MAY 2, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 281).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hill; Hupp.

Absent — Elkins.

The invocation was offered by Reverend Larry R. Kelley, United Methodist Church, Houston, as follows:

Almighty God, how wonderful it is that we live in a land where we can come before you in prayer. We thank you for the labor and sacrifices of those who have gone before us so that we might enjoy the privileges and opportunities of this great state. May their example inspire us to have the courage and wisdom to make the choices that will indeed help people of this generation as well as future generations.

Dear God, we are here in the presence of this legislature today to ask for your divine guidance on each and every person assembled here. Lord, may none of us ever forget the reason we are here in this place, nor may we never forget that we have come to represent the best interests of Texas by those people who elected us. While there may be differences in debate, may there never be differences in our purpose to do that which is right and to have the knowledge and wisdom to do that which is best for our great state.

Oh, Lord, we know there are very difficult problems in our state. We pray for your guidance in this legislature as the members seek to solve those

problems which affect our daily lives. May we humble ourselves and pray and turn from our sins so that you will hear our prayers from heaven and heal our state. We ask you to take us into your trust that we may never be afraid to do that which is right, just, and true. And now during the term of this legislature, may God add strength to your lives, faith to live by, and courage to always stand for that which is honorable, just, and true. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of legislative business:

Hupp on motion of Serna.

The following member was granted leave of absence for today because of important business:

Hill on motion of Heflin.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Sandra Rouse and Ella Anderson.

CAPITOL PHYSICIAN

The speaker recognized Representative Cook who presented Dr. Stan Cassin of El Campo as the "Doctor for the Day."

The house welcomed Dr. Cassin and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 46).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 800 - ADOPTED **(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 800**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 800, honoring Lee Cochran on the occasion of his retirement from the Richardson Independent School District Board of Trustees.

HR 800 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Wilson on motion of Corte.

HR 119 - READ

HR 119, congratulating Gloria Cutrer of Houston on her receipt of the 1996 Mayor's Award for Outstanding Volunteer Service, having been previously adopted, was read.

HR 775 - READ

HR 775, in memory of Clay Burton Peterson, having been previously adopted, was read.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Woolley on motion of Cuellar.

**HR 758 - ADOPTED
(by R. Lewis)**

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 758**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 758, Honoring Nelson Nolden.

HR 758 was adopted without objection.

**HR 798 - ADOPTED
(by Davila)**

Representative Davila moved to suspend all necessary rules to take up and consider at this time **HR 798**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 798, Welcoming Radcliffe College President Linda S. Wilson to the Capitol.

(Elkins now present)

HR 798 was read and was adopted without objection.

On motion of Representative Farrar, the names of all the members of the house were added to **HR 798** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Davila, who introduced President Linda S. Wilson.

President Wilson addressed the house briefly.

HR 794 - ADOPTED
(by Holzheuser)

Representative Holzheuser moved to suspend all necessary rules to take up and consider at this time **HR 794**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 794, In memory of Justin Thomas Pitts.

HR 794 was read and was unanimously adopted by a rising vote.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 794** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Holzheuser, who introduced members of Justin Thomas Pitts' family.

HR 796 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 796**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 796, Congratulating Marsha Cavell Lyle-Gonga on her graduation from Trinity University.

HR 796 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 18).

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

HCR 219 was withdrawn.

HR 621 (by Staples), In memory of Donald W. Hilliard.

HR 718 (by Cook), In memory of David Rudolph Wintermann.

HR 721 (by Gallego), In memory of Ray Morrison.

HR 726 (by Puente), In memory of Janice Fay Kotzur.

HR 729 (by Pitts), In memory of Lynn and Dorothy Griffith.

HR 739 (by Merritt), In memory of Deanne Marie Dunbar Buchanan.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following congratulatory resolutions:

HCR 213 (by Eiland), Congratulating the Friendswood High School Academic Decathlon team.

SCR 46 (Kuempel - House Sponsor), Paying tribute to President George Bush.

SCR 60 (Alexander - House Sponsor), Congratulating the Wortham High School Bulldogs on winning the Class 1A State Basketball Championship.

SCR 67 (Pitts - House Sponsor), Congratulating the town of Ferris, Texas, on its selection as a Texas Main Street City.

SCR 69 was withdrawn.

HR 623 (by Maxey), Congratulating Dwayne Haught on being named The University of Texas at Austin School of Nursing's Alumnus of the Year.

HR 637 (by Goolsby), Honoring the Dallas Cowboys Cheerleaders.

HR 638 (by Davis), Congratulating Gladys I. Collins on her receipt of an award from the Texas Legislative Black Caucus.

HR 639 (by Davis), Congratulating Shirley Ison-Newsome on her receipt of an award from the Texas Legislative Black Caucus.

HR 640 (by Davis), Congratulating Floyd Bean on his receipt of an award from the Texas Legislative Black Caucus.

HR 641 (by Davis), Congratulating Deputy Chief John L. Garrett on his receipt of an award from the Texas Legislative Black Caucus.

HR 642 (by Davis), Congratulating Emma S. Rodgers on her receipt of an award from the Texas Legislative Black Caucus.

HR 643 (by Davis), Congratulating Lillie Mae Fain on her receipt of an award from the Texas Legislative Black Caucus.

HR 650 (by Chavez, Longoria, and Moreno), Honoring MCI for its commitment to the citizens of El Paso.

HR 651 (by Price), Honoring Father Sinclair Oubre for his outstanding service to the church and to the Port Arthur community.

HR 652 (by Price), Honoring Dr. Mattie Londow for her distinguished public service.

HR 653 (by Tillery), Honoring Mayor Lonnie Hopkins for his many significant contributions to the Seagoville community.

HR 654 (by Kubiak), Congratulating Truman and Jean Haupt on the occasion of their 50th wedding anniversary.

HR 657 (by Jackson, et al.), Congratulating Jamie Kitchen, Shell Salmon, Stacey Golden, Jeanna Poteet, Angie Gutierrez, Coach Robert Kelly, and Coach Darla Kelly.

HR 658 (by Gutierrez), Honoring H. F. "Beto" Longoria for his outstanding public service.

HR 659 (by Gutierrez), Congratulating Romeo Perez on his graduation from law school.

HR 661 (by Moffat), Congratulating Travis and Doris Matthews on the occasion of their 50th wedding anniversary.

HR 662 (by Gutierrez), Honoring members of the Junior League of McAllen, Inc., for their community service.

HR 663 (by Merritt), Congratulating Bob and Mildred Peery on the occasion of their 50th wedding anniversary.

HR 664 (by Hunter, et al.), Honoring A. L. "Dusty" Rhodes for his professional and civic achievements.

HR 666 (by Davis), Honoring Ola Mae Williams on her receipt of an award from the Texas Legislative Black Caucus.

HR 690 (by Davis), Recognizing May 11-17, 1997, as National Black Child Development Week.

HR 693 (by R. Lewis), Honoring Kennon Sweat for his heroic actions.

HR 720 was withdrawn.

HR 725 (by Puente), Congratulating Rudy and Connie Rocha on the occasion of their 50th wedding anniversary.

HR 727 (by Puente), Congratulating Taco Hut of San Antonio on the opening of its new location.

HR 730 (by Nixon, Woolley, Jackson, Hamric, and Dutton), Honoring Jim Culberson.

HR 731 (by G. Lewis), Congratulating James M. Greer on his receipt of a scholarship from the National Achievement Scholarship Program for Outstanding Negro Students.

HR 732 (by G. Lewis and Giddings), Congratulating Royce G. Brooks on her receipt of a scholarship from the National Achievement Scholarship Program for Outstanding Negro Students.

HR 733 (by Merritt), Congratulating Fred and Ruby Crocker on the occasion of their 60th wedding anniversary.

HR 734 (by Merritt), Congratulating the LeTourneau University LadyJackets on winning the 1996-1997 NCCAA Basketball Championship.

HR 735 (by Merritt), Commending Kathryn Baney on her perfect SAT score.

HR 736 (by Merritt), Congratulating John and Vivian Connolly on their 50th wedding anniversary.

HR 737 (by Merritt), Recognizing the Texas National Guard's antidrug efforts.

HR 738 (by Merritt), Congratulating the students from White Oak High School on winning the 1997 District 16-3A Literary Meet.

HR 740 (by Merritt), Designating Robert E. O'Malley an Honorary Texan.

HR 741 (by Kubiak), Congratulating the members of the Blinn College Buccaneers football team on achieving their second consecutive national junior college football championship.

HR 742 (by Serna), Honoring Laura Harring.

HR 743 (by Serna), Recognizing May 10, 1997, as El Paso NALC National Food Drive Day.

HR 744 (by Hawley), Congratulating Holly Wilkerson on her graduation from Gregory-Portland High School.

HR 746 (by Davis, Hodge, J. Jones, and Giddings), Honoring the Moorland YMCA on the occasion of its first annual gala.

The resolutions were adopted without objection.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR LOCAL CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 3060 (by King), A bill to be entitled An Act relating to recording of proceedings in a county court at law in Medina County.

CSHB 3545 (by Oliveira), A bill to be entitled An Act relating to the statutory county courts in Cameron County.

CSHB 3556 (by Hinojosa), A bill to be entitled An Act relating to the county courts at law of Hidalgo County.

CONSENT CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 50 (by Madden), A bill to be entitled An Act relating to the regulation of political contributions and political expenditures in connection with certain judicial candidates and officeholders.

Representative Madden moved to postpone consideration of **HB 50** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 131 (by Madden), A bill to be entitled An Act relating to political contributions made in connection with certain judicial offices.

CSHB 179 (by Maxey, Coleman, et al.), A bill to be entitled An Act relating to the employment of a dentist by a nonprofit health organization that primarily provides services to individuals who have AIDS or the human immunodeficiency virus. (Isett recorded voting no)

HB 253 (by Denny), A bill to be entitled An Act relating to granting limited state law enforcement authority to marshals and deputy marshals of the United States Marshals Service.

HB 273 (by Davis), A bill to be entitled An Act relating to excepting certain personal information about the identity of and personal information relating to participants in a neighborhood crime watch organization from required public disclosure under the open records law.

HB 293 (by Chisum), A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 100th Judicial District.

HB 462 (by Zbranek), A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 88th Judicial District.

HB 500 (by Finnell and Counts), A bill to be entitled An Act relating to application of the professional prosecutors law to the district attorney of the 50th Judicial District.

HB 790 (by Gallego), A bill to be entitled An Act relating to payment of compensation to employees of the Department of Public Safety.

CSHB 846 (by King), A bill to be entitled An Act relating to the exemption from ad valorem taxation of public property.

Amendment No. 1

Representative King offered the following amendment to **CSHB 846**:

Amend **CSHB 846** on page 1, line 7, between "section," and "property", by inserting "tangible personal".

Amendment No. 1 was adopted without objection.

SB 912 (Goodman - House Sponsor), in lieu of **HB 850**, A bill to be entitled An Act relating to trusts for certain minors or incapacitated persons.

Representative Goodman moved to lay **HB 850** on the table subject to call.

The motion prevailed without objection.

CSHB 970 (by McClendon), A bill to be entitled An Act relating to the transportation of hazardous materials in certain municipalities.

CSHB 1029 (by Hawley), A bill to be entitled An Act relating to the creation of municipal development districts; authorizing the imposition of certain local taxes and the issuance of local bonds.

HB 1051 (by Gutierrez), A bill to be entitled An Act relating to requiring that proposed real property transactions between governmental bodies must be deliberated in an open meeting. (Patterson recorded voting no)

SB 327 (Price - House Sponsor), in lieu of **HB 1081**, A bill to be entitled An Act relating to the regular meetings of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas.

Representative Price moved to lay **HB 1081** on the table subject to call.

The motion prevailed without objection.

HB 1229 (by Counts), A bill to be entitled An Act relating to application of the professional prosecutors law to the district attorney of the 32nd Judicial District.

CSHB 1314 (by Naishtat), A bill to be entitled An Act relating to a trust created for the management of a ward's assets.

CSHB 1330 (by Naishtat), A bill to be entitled An Act relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

Representative Naishtat moved to postpone consideration of **CSHB 1330** until 10 a.m. Monday, May 5.

The motion prevailed without objection.

HB 1401 (by Palmer), A bill to be entitled An Act relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a penalty.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Mowery, Representative Palmer offered the following committee amendment to **HB 1401**:

Amend **HB 1401**, Sec. 2, Subsection (c)(2), line 17-18 by striking "with a population of one million or more" and inserting the following after the word "county":

"containing two or more municipalities each of which has a population of 250,000 or more;"

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative King, Representative Palmer offered the following amendment to **HB 1401**:

Amend Section 2 of **HB 1401** as follows:

On page 1, line 15, Section 2(c)(2), strike \$250 and replace it with \$150.

Amendment No. 2 was adopted without objection.

HB 1433 was withdrawn.

HB 1448 (by Hunter), A bill to be entitled An Act relating to reporting of representation before state agencies by state officers and employees.

HB 1449 (by Hunter), A bill to be entitled An Act relating to reporting concerning fundraising for governor for a day and speaker's reunion day ceremonies.

HB 1521 (by Raymond), A bill to be entitled An Act relating to notice by the comptroller concerning certain unclaimed property.

HB 1540 (by Yarbrough), A bill to be entitled An Act relating to the sheriff's department civil service system in certain counties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gutierrez, Representative Yarbrough offered the following committee amendment to **HB 1540**:

Amend **HB 1540** on page 3, line 3, after the period, by inserting "A panel may not include more than one member who was appointed to the commission by the same individual appointing authority."

Amendment No. 1 was adopted without objection.

HB 1576 (by Uher), A bill to be entitled An Act relating to criminal background checks of certain employees of residential dwelling projects.

CSHB 1601 (by D. Jones), A bill to be entitled An Act relating to requiring voter approval for the lease or sale of a certain facility owned and operated by the Lubbock County Hospital District.

HB 1603 (by Ehrhardt, Madden, and Denny), A bill to be entitled An Act relating to changing terminology involving gender in the Election Code to gender-neutral terminology. (Patterson recorded voting no)

CSHB 1640 (by Raymond), A bill to be entitled An Act relating to assessment of adult education programs and program participants.

HB 1692 (by Eiland), A bill to be entitled An Act relating to the operation of publicly owned and operated harbor and port facilities located in certain municipalities.

SB 804 (Jackson - House Sponsor), in lieu of **HB 1764**, A bill to be entitled An Act relating to allowing municipalities to purchase goods for retail sale without following competitive bidding procedures.

Representative Jackson moved to lay **HB 1764** on the table subject to call.

The motion prevailed without objection.

HB 1825 (by Goodman), A bill to be entitled An Act relating to access to criminal history record information by the State Bar of Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Haggerty, Representative Goodman offered the following committee amendment to **HB 1825**:

Amend **HB 1825** as follows:

(1) On page 1, on line 8 after (a) The, insert the following: General Counsel of the.

Amendment No. 1 was adopted without objection.

HB 1833 was withdrawn.

CSHB 1850 (by Naishtat), A bill to be entitled An Act relating to protective services for elderly and disabled persons; providing a criminal penalty.

HB 1881 (by Oakley), A bill to be entitled An Act relating to initial training and continuing education for police chiefs.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Keel, Representative Oakley offered the following committee amendment to **HB 1881**:

Amend **HB 1881** as follows:

(1) On page 2, line 20, after subsection (g), add subsections (h) and (i) to read, "(h) The chief of a municipal police department must be licensed as a peace officer by the commission no later than one year after the date that the chief is appointed to the position of police chief. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of peace officer license for a police chief."

"(i) A police chief who does not comply with this section can not continue to be the chief."

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Oakley offered the following committee amendment to **HB 1881**:

Amend **HB 1881** as follows:

(1) On page 1, line 13, insert period after programs. Strike "in consultation with the Police Chief's Association." Add "The curriculum must be approved by the Commission on Law Enforcement Officer Standards and Education."

(2) On page 2, line 17, after "415" insert ".034".

Amendment No. 2 was adopted without objection.

HB 1886 (by Oliveira), A bill to be entitled An Act relating to certain juror donations.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hartnett, Representative Oliveira offered the following committee amendment to **HB 1886**:

Amend **HB 1886**, as follows:

(1) on page 1, line 14, after "Family Code;" strike "or";

(2) on page 1, line 17, after "family violence" and before "." insert "; or

(4) any other program approved by the commissioners court of the county"; and,

(3) on page 2, line 2, after "(a)(3)" insert "or (a)(4)".

Amendment No. 1 was adopted without objection.

HB 1928 (by McClendon), A bill to be entitled An Act relating to the operation of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Williams, Representative McClendon offered the following committee amendment to **HB 1928**:

Amend **HB 1928** as follows:

(1) On page 1, strike lines 23 and 24, and replace with the following:

"or, at the election of the juvenile board, the current standards promulgated by the American Correctional Association."

(2) On page 2, line 17, after the word "facility" and before the period, strike the words "adopted by the commission".

Amendment No. 1 was adopted without objection.

CSHB 2018 (by Maxey), A bill to be entitled An Act relating to the allocation of space to state agencies.

HB 2025 (by Pickett), A bill to be entitled An Act relating to the regulation of the sale and use of certain refrigerants; providing a criminal penalty. (Heflin, Kubiak, and Patterson recorded voting no)

HB 2064 (by King), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

Amendment No. 1

Representative King offered the following amendment to **HB 2064**:

Amend **HB 2064** as follows:

(1) On page 2, line 13, strike "and".

(2) On page 2, line 17, between "1993" and the period, insert:
: and

(13) a county that has a population of 25,000 or less, whose territory is less than 750 square miles, and that has two incorporated municipalities, each with a population of 800 or less, located on the Frio River

Amendment No. 1 was adopted without objection.

HB 2087 (by Raymond), A bill to be entitled An Act relating to directing the Texas Veterans Commission to determine the need for establishing state cemeteries for veterans.

Representative Raymond moved to postpone consideration of **HB 2087** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

HB 2157 (by Williamson), A bill to be entitled An Act relating to reporting under the sales and use tax the value of certain tickets to an amusement service purchased for resale.

HB 2203 (by Bosse and Rabuck), A bill to be entitled An Act relating to a requirement that a municipality maintain a public record of its extraterritorial jurisdiction.

HB 2285 (by Corte), A bill to be entitled An Act relating to the ability of a commissioners court of a county to determine county courthouse security policies.

HB 2290 (by Naishtat), A bill to be entitled An Act relating to the execution of certain writs in an action to determine possession of certain leased premises.

HB 2297 (by Gallego), A bill to be entitled An Act relating to the Texas Judicial Council.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Thompson, Representative Gallego offered the following committee amendment to **HB 2297**:

Amend **HB 2297**, on page 1, lines 17 through 24, and page 2, lines 1 through 18 to read as follows:

Sec. 71.012. EX OFFICIO MEMBERS. ~~[(a)]~~ The ex officio members are:

- (1) the chief justice of the supreme court;
- (2) the presiding judge of the court of criminal appeals;
- (3) the chair[man] of the Senate Jurisprudence Committee;
- (4) one member of the senate, appointed by the lieutenant governor ~~[the immediate past chairman of the Senate Jurisprudence Committee];~~
- (5) the chair[man] of the House Judicial Affairs ~~[Judiciary]~~ Committee;
- (6) one member of the house of representatives, appointed by the speaker of the house ~~[the immediate past chairman of the House Judiciary Committee];~~
- (7) two justices of the courts of appeals designated by the chief justice of the supreme court ~~[governor]; [and]~~
- (8) two district ~~[presiding]~~ judges ~~[of the administrative judicial regions]~~ designated by the chief justice of the supreme court ~~[governor];~~
- (9) two judges of county courts, statutory county, or statutory probate courts designated by the chief justice of the supreme court;
- (10) two justices of the peace designated by the chief justice of the supreme court; and
- (11) two municipal court judges designated by the chief justice of the supreme court.

Amendment No. 1 was adopted without objection.

CSHB 2309 (by Thompson), A bill to be entitled An Act relating to fees charged by a justice of the peace.

HB 2318 (by Hilderbran), A bill to be entitled An Act relating to the charge and control of certain state facilities located in Kerrville.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Howard, Representative Hilderbran offered the following committee amendment to **HB 2318**:

Amend **HB 2318** by adding a new section, numbered "Section 2", and renumbering succeeding sections accordingly:

SECTION 2. Nothing herein shall be construed as transferring title to the state building nor the land belonging to the permanent school fund to the Upper Guadalupe River Authority.

Amendment No. 1 was adopted without objection.

HB 2332 (by Hinojosa), A bill to be entitled An Act relating to permitting the Board of Regents of The University of Texas System to convey certain real property to a political subdivision located in Hidalgo County.

CSHB 2335 (by Smith), A bill to be entitled An Act relating to the continuation of certain crime control and prevention districts.

HB 2339 (by Talton), A bill to be entitled An Act relating to the extension of restrictions imposing regular assessments in certain residential real estate subdivisions.

CSHB 2389 (by Maxey), A bill to be entitled An Act relating to the sale of laboratory services to certain persons by the Texas Department of Health. (Patterson recorded voting no)

HB 2397 (by Finnell), A bill to be entitled An Act relating to certain agreements to provide health care services under the Indigent Health Care and Treatment Act.

SB 1038 (D. Jones - House Sponsor), in lieu of **HB 2413**, A bill to be entitled An Act relating to certain bonds and notes issued by the board of Texas Tech University.

Representative D. Jones moved to lay **HB 2413** on the table subject to call.

The motion prevailed without objection.

HB 2438 (by Chisum), A bill to be entitled An Act relating to the fire insurance rates and fire suppression ratings of a municipality at or near the state's borders.

CSHB 2448 (by Hightower), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lake Livingston Special Utility District; granting the authority to issue bonds.

HB 2451 (by Hirschi), A bill to be entitled An Act relating to the authority of the Department of Protective and Regulatory Services to obtain certain criminal history record information from the Department of Public Safety. (Isett recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilderbran, Representative Hirschi offered the following committee amendment to **HB 2451**:

On page 3, strike lines 15-16 and substitute the following:

(Q) through a contract with a Non-Profit Management Center, an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a non-profit, tax-exempt organization which provides any service that involves the care of or access to children, elderly persons, or persons with a disability;

Amendment No. 1 was adopted without objection.

CSHB 2525 (by Naishtat), A bill to be entitled An Act relating to the rights and responsibilities of persons with disabilities.

SB 1219 (Gray - House Sponsor), in lieu of **HB 2544**, A bill to be entitled An Act relating to the power of the board of regents of The Texas A&M University System to designate Texas A&M University at Galveston as a branch campus of Texas A&M University.

Representative Gray moved to lay **HB 2544** on the table subject to call.

The motion prevailed without objection.

HB 2587 was withdrawn.

HB 2596 (by King and Maxey), A bill to be entitled An Act relating to the Texas Information and Referral Network providing information on health and human services.

CSHB 2600 (by King), A bill to be entitled An Act relating to the collection of delinquent obligations to the state.

CSSB 1712 (E. Reyna - House Sponsor), in lieu of **HB 2646**, A bill to be entitled An Act relating to authorizing the Texas Engineering Extension Service to participate in the skills development fund.

Representative E. Reyna moved to lay **HB 2646** on the table subject to call.

The motion prevailed without objection.

HB 2666 (by Garcia), A bill to be entitled An Act relating to enforcement of certain public health and safety ordinances by a municipality.

CSHB 2671 (by Burnam and Bonnen), A bill to be entitled An Act relating to acceptance of an insurance binder by certain lenders.

CSHB 2747 (by Hinojosa), A bill to be entitled An Act relating to allowing students at public junior colleges to pay tuition and fees in installments.

CSHB 2762 (by Walker), A bill to be entitled An Act relating to a lien for the processing or harvesting of cotton.

Representative Walker moved to postpone consideration of **CSHB 2762** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

CSHB 2833 (by Gallego), A bill to be entitled An Act relating to the authority of the Texas Low-Level Radioactive Waste Disposal Authority to convey or exchange property.

HB 2861 (by Pickett), A bill to be entitled An Act relating to sanctions against retail sellers of alcoholic beverages for violations relating to minors.

CSHB 2875 (by Greenberg and Swinford), A bill to be entitled An Act relating to minimum training standards for an employee of a regulated child-care facility. (Chisum, Christian, Clark, Cook, Counts, Craddick, Finnell, Isett, Keel, Patterson, and Shields recorded voting no)

HB 2883 (by Hunter), A bill to be entitled An Act relating to the eligibility of certain federal officials for burial in the State Cemetery.

SB 1162 (Gutierrez - House Sponsor), in lieu of **HB 2902**, A bill to be entitled An Act relating to the warranties on the transfer or presentment of demand drafts.

Representative Gutierrez moved to lay **HB 2902** on the table subject to call.

The motion prevailed without objection.

HB 2940 (by McCall), A bill to be entitled An Act relating to dealing in computer equipment by a secondhand dealer.

HB 2982 (by Junell), A bill to be entitled An Act relating to the authority of certain counties to borrow money.

HB 2997 (by D. Jones), A bill to be entitled An Act relating to the regulation of outdoor advertising in certain dry areas. (Chisum, Clark, Cook, and Counts recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Haggerty, Representative D. Jones offered the following committee amendment to **HB 2997**:

Amend **HB 2997** as follows:

(1) On page 1, between lines 12 and 13, insert the following:

"(1) the premises that the billboard advertises is located in a county with a population of 250,000 or less; and"

(2) On page 1, line 13, strike "(1)" and substitute "(2)".

(3) On page 1, line 15, strike lines 15 and 16, and insert the following:

"(3) a United States highway that merges into and becomes an interstate highway separates the premises and the billboard; or"

(4) On page 1, between lines 16 and 17, insert the following:

"(4) the billboard is located adjacent to a wet precinct separated by a United States highway that merges into and becomes an interstate highway in a county with a population of 250,000 or less and advertises directions to a winery located in the adjacent wet precinct."

Amendment No. 1 was adopted without objection.

HB 3016 (by Price and Stiles), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Jefferson County.

HB 3029 (by Olivo), A bill to be entitled An Act relating to the enforcement of land use restrictions in certain counties.

Representative Olivo moved to postpone consideration of **HB 3029** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

CSHB 3058 (by Berlanga, S. Turner, Cuellar, Edwards, Gallego, et al.), A bill to be entitled An Act relating to a study of admission and graduation rates at institutions of higher education. (Chisum, Christian, Clark, Cook, Counts, Craddick, Finnell, Heflin, Howard, Isett, Keel, Kubiak, Patterson, Shields, Williams, and Wohlgemuth recorded voting no)

HB 3074 (by Gray), A bill to be entitled An Act relating to the mitigation of, preparedness for, response to, and recovery from disasters.

HB 3078 (by Oliveira), A bill to be entitled An Act relating to an incorporation requirement of a state savings bank.

HB 3086 (by Hartnett), A bill to be entitled An Act relating to statutory probate court judges.

CSHB 3135 (by Naishtat), A bill to be entitled An Act relating to the application for mental retardation services by a guardian and to eligibility for guardianship.

HB 3154 (by Hilbert), A bill to be entitled An Act relating to the modification of restrictive covenants applicable to certain real property.

HB 3224 (by Eiland), A bill to be entitled An Act relating to the dissolution of a beach park board of trustees.

HB 3233 (by Allen), A bill to be entitled An Act relating to the regulation and training of code enforcement officers.

CSHB 3234 (by Hinojosa), A bill to be entitled An Act relating to the transfer of municipal hospital authority assets for health-related projects.

CSHB 3271 (by Berlanga, Seaman, and Luna), A bill to be entitled An Act relating to student center complex fees for institutions in The Texas A&M University System.

HB 3329 (by Talton), A bill to be entitled An Act relating to requirements for governmental entities that acquire real property held in trust or sell real property to a trustee.

HB 3368 (by Junell), A bill to be entitled An Act relating to the acquisition of real property by the General Services Commission as an alternative to leasing space.

CSHB 3370 (by Junell), A bill to be entitled An Act relating to a gift, political contribution or activity of an officer or employee of the Texas Lottery Commission or a former officer or employee of the Texas Lottery Commission.

CSHB 3372 (by Torres), A bill to be entitled An Act relating to the authority of certain municipalities to redesignate certain areas annexed for general purposes.

HB 3440 (by Kubiak), A bill to be entitled An Act relating to the cancellation or suspension of certain alcoholic beverage licenses.

HB 3486 (by Holzheuser), A bill to be entitled An Act relating to the right of certain licensed peace officers to carry a concealed handgun.

CSHB 3515 (by Goolsby), A bill to be entitled An Act relating to the transfer, sale, or exchange of real property between the General Services Commission and the City of Austin.

HB 3565 (by Luna, Berlanga, and Seaman), A bill to be entitled An Act relating to the duties of the district clerk of Nueces County.

HB 3569 (by Madden and Naishtat), A bill to be entitled An Act relating to bank accounts in the name of candidates for public office.

HB 3581 (by Hightower), A bill to be entitled An Act relating to the termination of certain receiverships.

SB 82 (Denny and Danburg - House Sponsors), A bill to be entitled An Act relating to written communications used by voters in a polling place.

SB 93 (Heflin - House Sponsor), A bill to be entitled An Act relating to providing notice to property owners of the right to protest a property tax matter.

CSSB 290 (Maxey - House Sponsor), A bill to be entitled An Act relating to electronic assistance provided by the Health and Human Services Commission.

SB 292 (Galloway, Greenberg, Hodge, and Chavez - House Sponsors), A bill to be entitled An Act relating to the period for early voting by personal appearance.

SB 420 (Ramsay - House Sponsor), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

SB 503 (Olivo and Greenberg - House Sponsors), A bill to be entitled An Act relating to the continuation of the school child care services program. (Chisum, Christian, Clark, Cook, Counts, Craddick, Culberson, Finnell, Heflin, Howard, Isett, Keffer, Kubiak, Patterson, Seaman, Shields, and Williams recorded voting no)

SB 626 (Counts - House Sponsor), A bill to be entitled An Act relating to selection by a governmental entity of a provider of professional services.

SB 635 (Holzheuser - House Sponsor), A bill to be entitled An Act relating to the use of money in the oil-field cleanup fund to conduct a site investigation or environmental assessment and to the recovery of costs incurred for that purpose.

SB 639 (Merritt - House Sponsor), A bill to be entitled An Act relating to acceptance, approval, or revocation by the Railroad Commission of Texas of organization reports, applications for permits, or certificates of compliance.

CSSB 655 (Hamric - House Sponsor), A bill to be entitled An Act relating to the fees charged by local governmental officials and the means by which fees may be paid.

SB 699 (Torres - House Sponsor), A bill to be entitled An Act relating to the promotional appointments of police officers in certain municipalities.

SB 702 (Hirschi - House Sponsor), A bill to be entitled An Act relating to the imposition of administrative penalties under certain professional licensing programs.

SB 721 (Isett - House Sponsor), A bill to be entitled An Act relating to the issuance of certificates of obligation for the payment of a municipality's contractual interests in certain utilities.

SB 816 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to eliminating certain obsolete provisions relating to the university.

SB 992 (Hightower - House Sponsor), A bill to be entitled An Act relating to the operation of the Tyler County Hospital District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative R. Lewis, Representative Hightower offered the following committee amendment to **SB 992**:

Amend **SB 992** as follows:

On Page 13, line 12 after "price." and before "The Board" insert the following language:

"The Board may enter into construction contracts for the District. Article 5160, Revised Statutes, as it relates to performance and payment bonds, applies to construction contracts let by the District."

Amendment No. 1 was adopted without objection.

SB 1386 (Hunter - House Sponsor), A bill to be entitled An Act relating to title to materials and equipment in the state library system.

SB 1386 was previously passed.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 2 (by B. Turner), Requesting that the governor consider including a veterans' representative on various boards and commissions.

HCR 2 was adopted without objection.

HCR 21 (by Siebert), Declaring rodeo the official sport of Texas.

HCR 21 was adopted without objection.

HCR 54 (by J. Jones), Designating the cast iron Dutch oven as the official State Cooking Implement.

HCR 54 was adopted without objection.

HCR 67 (by B. Turner), Requesting the Texas Department of Transportation to erect highway signs indicating exits and directions to federal and state veterans' hospitals, clinics, and cemeteries.

HCR 67 was adopted without objection.

HCR 85 (by Hightower), Granting Dan Beto and Donna Beto permission to be buried in the Texas State Cemetery.

HCR 85 was adopted without objection.

HCR 86 (by Hirschi and Finnell), Requesting the placement of a marker in the Texas State Cemetery in memory of the Honorable Dave Allred.

HCR 86 was adopted without objection.

HCR 117 (by Delisi), Designating the two-step as the Official State Dance of Texas.

HCR 117 was adopted without objection. (Kubiak recorded voting no)

HCR 156 (by Janek), Directing the Texas Department of Health to develop a comprehensive plan to control the spread of Hepatitis A in Texas.

HCR 156 was adopted without objection.

HCR 189 (by Berlanga and Coleman), Directing the Health and Human Services Commission to improve access to health care for children.

HCR 189 was adopted without objection.

HCR 194 (by Hupp), Declaring the week of October 20, 1997, as Children's Gun Safety Week.

HCR 194 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, on adjournment today, Desk 70, to consider pending bills.

Higher Education, on adjournment today, Desk 118.

Conference Committee on **HB 1**, 1:00 p.m. today, senate finance room.

ADJOURNMENT

Representative Heflin moved that the house adjourn until 12:20 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:10 p.m., adjourned until 12:20 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 46

HB 786, HB 1040, HB 1414, HB 1720, HCR 223

Senate List No. 18

SB 217, SB 293, SB 338, SB 400, SB 445, SB 638, SB 998, SCR 78

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 2, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 102 Zaffirini

Relating to the creation and use of an emergency medical services and trauma care system fund.

SB 126 Bivins

Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.

SB 276 Patterson, Jerry

Relating to organizational and health maintenance organization requirements for community centers to provide certain services under capitation and other at-risk agreements in plans approved by the Texas Department of Mental Health and Mental Retardation.

SB 471 Luna, Gregory

Relating to public school admission and attendance.

SB 525 Lucio

Relating to license qualifications for certain inspectors regulated by the Texas Real Estate Commission.

SB 598 Wentworth

Relating to the expulsion or placement in alternative education programs of public school students who assault school employees, officers, or volunteers.

SB 961 Ratliff

Relating to state formula funding to an institution of higher education and tuition costs for certain resident doctoral students.

SB 1183 Brown

Relating to refunds and credits of motor fuels taxes.

SB 1343 Madla

Relating to allowing the use of certain computerized voting systems.

SB 1791 Wentworth

Relating to the annexation of a portion of certain municipal utility districts.

SB 1874 Bivins

Relating to the issuance of emergency and temporary orders and permits by the Texas Natural Resource Conservation Commission; imposing a civil penalty.

SB 1876 Bivins

Relating to the consolidation of the enforcement and emergency powers of the Texas Natural Resource Conservation Commission; providing criminal, civil, and administrative penalties.

SB 1909 Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the North Harris County Regional Water Authority; granting the power of eminent domain and the authority to issue bonds and to levy and collect taxes; providing a civil penalty.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 2, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2826 Place SPONSOR: West

Relating to the qualifications required for appointment as a community supervision and corrections department officer.

HCR 87 Telford SPONSOR: Cain

In memory of the Honorable Alex H. Short, Jr.

SCR 82 Carona

Commending the Honorable Cathye Ray.

Respectfully,

Betty King
Secretary of the Senate